11.3.98 Test Affidavit (1) At Korba (B)

3.10.98

5.9.04

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 1459 OF 2004

PETITIONERS : 1. SMT. CHHAYA BAIS W/O LATE SHRI ANIL SINGH AGED ABOUT 43 YEARS,

2. UTKARSHA SINGH BAIS S/O LATE SHRI ANIL SINGH BAIS, AGED ABOUT 17 YEARS 8 MONTHS, MINOR THROUGH HIS NATURAL GUARDIAN MOTHER SMT. CHHAYA BAIS.

THE ABOVE NAMED PETITIONERS ARE C/O SHRI AKHIL SINGH BAIS, QUARTER NO.408 C.S.E.B. COLONY, KORBA, DISTRICT KORBA, (C.G.).

P. R. No. 1337/04
Presented by Shri Rishi Nath Singh
dated 10.9.04

VERSUS

Attested

RESPONDENTS : 1. CHHATTISGARH STATE ELECTRICITY BOARD, THROUGH: THE SECRETARY DANGANIYA, RAIPUR (C.G.).

12/4/04 AR(J)

2. MADHYA PRADESH ELECTRICITY BOARD, THROUGH: THE SECRETARY, SHAKTI BHAWAN JABALPUR, (M.P.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

TO,

THE HON'BLE CHIEF JUSTICE AND HIS HON'BLE COMPANION JUDGES OF THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR, (CHHATTISGARH)

MAY THIS PLEASE TO YOUR LORDSHIP,

Korba (B)

11.3.99

3.10.9

5.9.0

Attest

Respondent No.2 — Madhya Pradesh State Electricity Board, Through the Secretary, Shakti Bhawan Jabalpur M.P."

" Respondent no.3. — Union of India, Through the Secretary Ministry of Personnel, Public Grievances and Pension (State Re-organization Cell), Third Floor Lok Nayak Bhawan, Khan Market New Delhi

Amended as per court order dtd. 23.3.06 Kalyan Das Patwalia 10.4.06

तहसील

XI-HC-78

(167)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.1459/ **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6-7-2006

Mr. Rakesh Pandey, counsel for the petitioners.

Mr. A.S. Gaharwar, Advocate, with Mrs. Rita Halder, counsel for respondent No.1.

Mr. Vivek Verma, counsel for respondent No.2.

Mr. S.K. Beriwal, Central Govt. Counsel for respondent No.3.

The petitioners, who are dependants of Late Anil Singh, who died in harness on 11-3-1998 while working as Testing Assistant Grade-III at Korba in the services of erstwhile MPEB, have filed this writ petition under Article 226/227 of the Constitution of India, that after the death of Anil Singh, petitioner No.1, wife of Late Anil Singh, applied for compassionate appointment and her application was rejected on the ground that she being over age, not entitled for compassionate appointment. At that time, petitioner No.2 was minor and he has attained the age of majority i.e. 18 years on 5-8-2004. Therefore, the respondents may be directed to consider petitioner No.2 for compassionate appointment.

Respondent No.1 in its reply has submitted that as per the existing policy for compassionate appointment dated 28-2-2004, the dependants of those employees who died on 15-11-2000 or thereafter, are entitled for compassionate appointment, therefore, the petitioners are not entitled for any relief in this writ petition.

I have heard learned counsel for the parties.

It is admitted position that husband of petitioner No.1 and father of petitioner No.2 died on 11-3-1998 in harness while working as Testing Assistant Grade-III at Korba i.e. within the territory of the existing CSEB. As per the agreement of both the States, the employees who were working in the territory of respective Electricity Boards were allocated to those Electricity

XI-HC-22

168

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1459/ **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Boards. Father of petitioner No.2 was working in the territory of CSEB, therefore, the liability of compassionate appointment of the dependants of Late Anil Singh lies on the shoulders of CSEB. As the case of petitioner No.1 was rejected on the ground that she was over age and petitioner No.2, son of Late Anil Singh, has attained the age of majority on 5-8-2004 and in the matter of compassionate appointment the case of minor children are considered when they become major, therefore, the reply of CSEB that CSEB came into existence on 15-11-2000, as such, the dependants of employees who died on or after 15-11-2000, are entitled for compassionate appointment is arbitrary. It is the responsibility of CSEB that even the employees who died before 15-11-2000, that is the date of coming into existence of CSEB, dependants of such employees are entitled for compassionate appointment on the ground that as per the decision of Union of India which has been referred to in W.P.No.1126/2003 (order dated 20-6-2006), the division of employees shall be made territory wise. Petitioner No.2's father was working in the territory of CSEB, as such, petitioner No.2 is entitled for consideration of appointment on compassionate ground. Even the State of Chhattisgarh, which came into existence on 1-11-2000 under the M.P. Reorganisation Act, 2000, has decided that the dependants of those employees who died on or after 1-11-1997 shall be eligible for consideration of appointment on compassionate ground.

Therefore, respondent No.1 is directed to consider the case of petitioner No.2 in accordance with the policy dated 28-2-2004, of course satisfying the eligibility criteria, on filing application by petitioner No.2 within a period of one month from today.

With the direction aforesaid, the petition stands disposed of.

Sd/-
L.C.BHADOO
Judge

Soma